## IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF SOUTH CAROLINA

| Earl T. Hamaas,                         | )  |
|---|--|
| DI 1 4100                               | ) C/A No. 8:09-2778-MBS                                    |
| Plaintiff,                              | )  |
| VS.                                     | )  |
|   | ) $\mathbf{O} \mathbf{R} \mathbf{D} \mathbf{E} \mathbf{R}$ |
| Social Security Administration; Richard | )  |
| L. Vogel, Administrative Law Judge;     | )  |
| Kathryn Butterfield, Acting District    | )  |
| Manager,                                |  |
|   | )  |
| Defendants.                             | )  |
|   | _)   |

Plaintiff Earl T. Hamaas, proceeding pro se and in forma pauperis, filed the within action on October 23, 2009, seeking review of the denial of social security benefits. In accordance with 28 U.S.C. § 636(b) and Local Rule 73.02, D.S.C., this matter was referred to United States Magistrate Judge Bruce H. Hendricks for pretrial handling. The Magistrate Judge reviewed the complaint pursuant to the provisions of 28 U.S.C. § 1915. The Magistrate Judge filed a Report and Recommendation on November 10, 2009. The Magistrate Judge recommended that the complaint be dismissed because Plaintiff has not exhausted his administrative remedies as required by 42 U.S.C. § 405(g). Plaintiff filed no objection to the Report and Recommendation.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight. The responsibility for making a final determination remains with this court. Mathews v. Weber, 423 U.S. 261, 270 (1976). The court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or may recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1). In the absence of objections to the Report, this court is not required to give any explanation for adopting the recommendation. Camby

v. Davis, 718 F.2d 198, 199 (4th Cir. 1983).

The court has carefully reviewed the record and concurs in the recommendation of the Magistrate Judge. The court adopts the Report and Recommendation and incorporates it herein by reference. The complaint is dismissed without prejudice and without issuance and service of process to allow Plaintiff to pursue his administrative remedies.

IT IS SO ORDERED.

/s/ Margaret B. Seymour
United States District Judge

Columbia, South Carolina

December 11, 2009

## NOTICE OF RIGHT TO APPEAL

Plaintiff is hereby notified that he has the right to appeal this order pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.